

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/576,772

For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Argument

Applicant respectfully submits that the Examiner has not set forth a *prima facie* case of anticipation with respect to rejected claims 59 and 60. In particular, the Examiner has not established a *prima facie* case with respect to the requirement of “parabolic pulses”.

Claims 59 and 60 of the instant application require, *inter alia*, “the pulses produced by said fiber amplifier are of parabolic form” and “the seed source produces pulses which induce the formation of parabolic pulses within said fiber amplifier”, respectively.

The Examiner asserts in the Response to Arguments section of the Office Action, i.e., on page 3, that “Fermann discloses pulses in the fiber amplifier in Fig. 5 that may be interpreted as parabolic.” Applicant respectfully submits, however, that Fermann et al., particularly at Fig. 5, does not *teach*, as required under 35 U.S.C. §102, the parabolic pulses as recited in claims 59 and 60.

Initially, Fermann et al. does not disclose that the spectral plots of Fig. 5 are those of a “parabolic pulse”. For example, at column 10, lines 50-65, it is disclosed that Fig. 5 illustrates a comparison of the current embodiment being discussed, i.e., using a nonlinear amplifier, with the performance of a linear amplifier. As disclosed, “due to self-phase modulation in the amplifier, the spectral width decreases from 8.2 nm (top) in the oscillator to 5.7 nm in the amplifier (bottom)”. (Col. 10, lines 60-63). Again, nothing about the shape of the pulse is disclosed with respect to Fig. 5.

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It appears that the Examiner has confused the term of art, "parabolic pulse", which refers to the *temporal* shape of a pulse, with the *spectral* plot of Fig. 5. The spectral content of a pulse is not determinative of the temporal shape of the pulse. Thus, a skilled artisan viewing Fig. 5 could not tell with any certainty what the shape of the pulse was that contained the illustrated spectral content. Moreover, since there is no disclosure in Fermann et al. that states that the spectral plot of Fig. 5 is from a parabolic pulse, Fermann et al. does not anticipate either of claims 59 or 60 and the rejection thereto should be withdrawn.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1, 4-29 and 58-60, and such action is hereby solicited. **If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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